

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2017 MAY 26 AM 11:10

DEPUTY CLERK D.A.

DAVID FRANKLIN WEST, PRO SE,
TDCJ-CID No. 02051612,

Plaintiff,

v.

RON ENNS, ET AL.,

Defendants.

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2:16-CV-0118

**ORDER ADOPTING REPORT AND RECOMMENDATION OF THE MAGISTRATE
JUDGE AND ORDER OF DISMISSAL**

Plaintiff DAVID FRANKLIN WEST, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed a civil lawsuit complaining against the above-referenced defendants and has been granted permission to proceed according to Title 28, United States Code, section 1915.

On April 27, 2017, a Report and Recommendation was issued by the United States Magistrate Judge recommending the plaintiff's "Claim of Lien" and civil lawsuit be dismissed WITH PREJUDICE AS FRIVOLOUS AND MALICIOUS. The Report and Recommendation further recommended that sanctions be imposed on plaintiff for his malicious filing of this lawsuit.

On May 15, 2017, plaintiff filed Objections to the Report and Recommendation.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that plaintiff's objections should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT

the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the "Claim of Lien" and civil lawsuit filed by plaintiff DAVID FRANKLIN WEST is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND MALICIOUS.

The Court hereby imposes the following sanction on DAVID FRANKLIN WEST:

The Court is not imposing a monetary sanction at this time. However, with the exception of a Notice of Appeal which can be filed in this case, plaintiff must first seek the permission of a federal judicial officer before proceeding in any other civil lawsuit in any federal court. This includes any filings in the present case with the exception of a Notice of Appeal of a final judgment. If plaintiff fails to obtain permission from a judicial officer of this district before filing a new civil lawsuit or any additional filings (other than a Notice of Appeal) in the present lawsuit, these future submissions will be discarded without filing.

The Clerk is instructed to discard without filing, any new submission in this cause unless it is a Notice of Appeal of a final judgment.

Plaintiff is WARNED that any further submission of malicious and frivolous documents in this or in any other cause will lead to a bar against all new filings and possible imposition of monetary sanctions.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

This terminates docket entry nos.

It is SO ORDERED.

Signed this the 26th day of May, 2017.

s/ Mary Lou Robinson

MARY LOU ROBINSON
United States District Judge